

## **2007 DRAFTING REQUEST**

### **Bill**

Received: **05/09/2007**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Costs of administering tests for intoxication

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### **Instructions:**

See Attached--2005 -2096/2

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 05/10/2007	bkraft 05/24/2007		_____			S&L
/1	phurley 06/19/2007	bkraft 06/19/2007	rschluet 05/24/2007	_____	sbasford 05/24/2007		S&L
/2	phurley 08/20/2007	bkraft 08/20/2007	nnatzke 06/19/2007	_____	sbasford 06/19/2007		S&L
/3			nnatzke	_____	mbarman	cduerst	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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			08/21/2007 _____		08/21/2007	09/10/2007	
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FE Sent For: "1/3" @ intro. 9-10-07  
<END>

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08/21/2007	_____	08/21/2007
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/2			nnatzke 06/19/2007		sbasford 06/19/2007		
	13 bjk 8/20	nwn 8/20	nwn/15 8/20				

FE Sent For:

**<END>**

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For: **Mark Gundrum (608) 267-5158**By/Representing: **himself**This file may be shown to any legislator: **NO**Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies:

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Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Costs of administering tests for intoxication ✓

**Instructions:**

See Attached--2005 -2096/2

**Drafting History:**

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/1		1/2 bj k 6/19 1/2 gf 6/19	rschlue 05/24/2007 nwn 6/19		sbasford 05/24/2007		

FE Sent For:

&lt;END&gt;

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**Topic:**

Costs of administering tests for intoxication

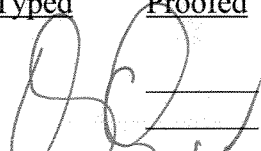
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**Instructions:**

See Attached--2005 -2096/2

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/?	chanaman	11 bjk 5/11 11 gtf 5/24					

FE Sent For:

**<END>**



bjk:kgf

*a-note*

2005<sup>7</sup> BILL

*PWF*

6A ✓  
X-ref ✓

*refer car*

- 1 AN ACT *to create* 973.06 (1) (j) of the statutes; **relating to:** costs of administering
- 2 tests for intoxication.

***Analysis by the Legislative Reference Bureau***

Under current law, a law enforcement officer may request a person to provide a sample of breath, blood, or urine for analysis if the person is arrested for operating while intoxicated a vehicle, an all-terrain vehicle, a boat, or a snowmobile or for injury or homicide by intoxicated use of a vehicle. Upon the request of a law enforcement officer, a test facility must perform an analysis of a person's sample of breath, blood, or urine.

Under this bill, if the person is convicted of violating one of the laws mentioned above, the person must be assessed the costs associated with any analysis of the blood or urine sample requested by the law enforcement officer.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 973.06 (1) (j) of the statutes is created to read:

*any*  
*and local*  
*administering*  
*administering*  
*performing the blood or urine test*  
*or analysis*

or analysis on the blood ← urine

Upon further review of the 2005 bill draft, I realized that the intent to include <sup>the</sup> law enforcement ~~offices~~ <sup>agency</sup> costs would be more apparent if the cross-references were broader. I also changed the analysis. Thank you for conveying the officer's concerns so that your intent could be made clearer <sup>in</sup> the bill. Please let me <sup>know</sup> if you <sup>would</sup> like any <sup>other</sup> changes.

CMTT

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2698/1dn  
CMH:bjk&kjf:rs

May 24, 2007

Rep. Gundrum:

Upon further review of the 2005 bill draft, I realized that the intent to include the law enforcement agency costs would be more apparent if the cross-references were broader. I also changed the analysis. Thank you for conveying the officer's concerns so that your intent could be made clearer in the bill. Please let me know if you would like any other changes.

Cathlene Hanaman  
Legislative Attorney  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2698/1  
CMH:bjk&kjf:cs

INSERT

2007 BILL

SA ✓  
X-ref ✓

today  
6-19-07

re-gen.

stays

- 1 AN ACT *to create* 973.06 (1) (j) of the statutes; **relating to:** costs of administering  
2 tests for intoxication.

***Analysis by the Legislative Reference Bureau***

Under current law, a law enforcement officer may request a person to provide a sample of breath, blood, or urine for analysis if the person is arrested for operating while intoxicated a vehicle, an all-terrain vehicle, a boat, or a snowmobile or for injury or homicide by intoxicated use of a vehicle. Upon the request of a law enforcement officer, a test facility must perform an analysis of a person's sample of breath, blood, or urine.

Under this bill, if the person is ~~convicted~~ <sup>violates</sup> of violating one of the laws mentioned above, the person must be assessed any costs associated with administering a blood or urine test or analysis.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 973.06 (1) (j) of the statutes is created to read:

# BILL

1            973.06 (1) (j) Any costs associated with performing a test or analysis on the  
2            blood or urine under s. 23.33 (4p), 30.684, 343.305, or 350.104.

3 (END)

**2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2698/lins  
CMH:bjk&kjf:rs

stays

INSERT A:

**SECTION 1.** 23.33 (13) (b) 1m. of the statutes is created to read:

\* ✓ 23.33 (13) (b) 1m. In addition to the forfeiture imposed under subd. (1m), the person shall pay any costs associated with performing a test or analysis on his or her blood or urine under sub. (4p).

**SECTION 2.** 30.80 (6) (a) 1m. of the statutes is created to read:

\* ✓ 30.80 (6) (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs associated with performing a test or analysis on his or her blood or urine under s. 30.684.

**SECTION 3.** 346.65 (2) (am) 1m. of the statutes is created to read:

\* ✓ 346.65 (2b) In addition to the forfeiture imposed under subd. 1., the person shall pay any costs associated with performing a test or analysis on his or her blood or urine under s. 343.305.

**SECTION 4.** 350.11 (3) (a) 1m. of the statutes is created to read:

✓ 350.11 (3) (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs associated with performing a test or analysis on his or her blood or urine under s. 350.104.

end of insert

1     **AN ACT** *to create* 23.33 (13) (b) 1m., 30.80 (6) (a) 1m., 346.65 (2) (am) 1m., 350.11  
2           (3) (a) 1m. and 973.06 (1) (j) of the statutes; **relating to:** payment of law  
3           enforcement costs of blood tests for intoxication.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4           **SECTION 1.** 23.33 (13) (b) 1m. of the statutes is created to read:

5           23.33 **(13)** (b) 1m. In addition to the forfeiture imposed under subd. 1., the person shall  
6           pay any costs charged to and paid by a law enforcement agency for the withdrawal, testing,  
7           and analysis of the person's blood under sub. (4p).

8           **SECTION 2.** 30.80 (6) (a) 1m. of the statutes is created to read:

9           30.80 **(6)** (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall  
10          pay any costs charged to and paid by a law enforcement agency for the withdrawal, testing,  
11          and analysis of the person's blood under s. 30.684.

12          **SECTION 3.** 346.65 (2) (am) 1m. of the statutes is created to read:

13          346.65 **(2)** (am) 1m. In addition to the forfeiture imposed under subd. 1., the person shall  
14          pay any costs charged to and paid by a law enforcement agency for the withdrawal, testing,  
15          and analysis of the person's blood under s. 343.305.

16          **SECTION 4.** 350.11 (3) (a) 1m. of the statutes is created to read:

17          350.11 **(3)** (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall  
18          pay any costs charged to and paid by a law enforcement agency for the withdrawal, testing,  
19          and analysis of the person's blood under s. 350.104.

20          **SECTION 5.** 973.06 (1) (j) of the statutes is created to read:

1           973.06 (1) (j) Any costs charged to and paid by a law enforcement agency for the  
2       withdrawal, testing, and analysis of the defendant's blood under s. 23.33 (4p), 30.684,  
3       343.305, or 350.104.

4 (END)



3  
se  
e  
stays

## 2007 BILL

SA✓

8-20-07

- regen. cat.

- 1 AN ACT to create 23.33 (13) (b) 1m., 30.80 (6) (a) 1m., 346.65 (2) (am) 1m., 350.11  
2 (3) (a) 1m. and 973.06 (1) (j) of the statutes; relating to: costs of administering  
3 tests for intoxication.

---

*Analysis by the Legislative Reference Bureau*

Under current law, a law enforcement officer may request a person to provide a sample of breath, blood, or urine for analysis if the person is arrested for operating while intoxicated a vehicle, an all-terrain vehicle, a boat, or a snowmobile or for injury or homicide by intoxicated use of a vehicle. Upon the request of a law enforcement officer, a test facility must perform an analysis of a person's sample of breath, blood, or urine.

Under this bill, if the person violates one of the laws mentioned above, the person must be assessed any costs associated with administering a blood or urine test or analysis. That were charged to or paid by a law enforcement agency

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 4 SECTION 1. 23.33 (13) (b) 1m. of the statutes is created to read:

blood  
acquiring a sample and

## BILL

## SECTION 1

23.33 (13) (b) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs ~~associated with performing a test or analysis on his or her blood or urine~~ under sub. (4p). **Insert**

SECTION 2. 30.80 (6) (a) 1m. of the statutes is created to read:

30.80 (6) (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs ~~associated with performing a test or analysis on his or her blood or urine~~ under s. 30.684. **Insert**

SECTION 3. 346.65 (2) (am) 1m. of the statutes is created to read:

346.65 (2) (am) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs ~~associated with performing a test or analysis on his or her blood or urine~~ under s. 343.305. **Insert**

SECTION 4. 350.11 (3) (a) 1m. of the statutes is created to read:

350.11 (3) (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs ~~associated with performing a test or analysis on his or her blood or urine~~ under s. 350.104. **Insert**

SECTION 5. 973.06 (1) (j) of the statutes is created to read:

973.06 (1) (j) Any costs ~~associated with performing a test or analysis on the blood or urine~~ under s. 23.33 (4p), 30.684, 343.305, or 350.104. **Insert**

(END)

**Insert** NO charged to or paid by a law enforcement agency for the withdrawal testing or analysis of the persons blood  
end of insert

**Duerst, Christina**

---

**From:** Burri, Lance

**Sent:** Monday, September 10, 2007 8:48 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 07-2698/3 Topic: Costs of administering tests for intoxication

Please Jacket LRB 07-2698/3 for the ASSEMBLY.

9/10/2007